



April 4, 2011

Via Electronic Submittal

Improving Regulations Docket  
Environmental Protection Agency  
EPA Docket Center  
Mailcode: 2822T  
Attention Docket ID Number EPA-HQ-OA-2011-0160  
1200 Pennsylvania Avenue, NW  
Washington DC, 20460

Re: Comments on EPA's *Improving our Regulations Through Periodic Retrospective Review* Initiative  
(Docket ID Number EPA-HQ-OA-2011-0160)

To Whom It May Concern:

The National Telecommunications Safety Panel (NTSP) is pleased to participate in EPA's *Improving Our Regulations Through Periodic Retrospective Review* initiative.

The NTSP is a consortium of telecommunications environmental, health, and safety professionals dedicated to promoting employee safety and health, and environmental responsibility throughout the telecommunications industry. The NTSP strives to provide constructive input in the development and implementation of environmental, health, and safety standards and guidelines that affect the varied businesses within telecommunications industry. As such, the panel maintains an active advocacy role, providing comments and recommendations to federal and state agencies where issues concern the telecommunications industry.

President Obama issued Executive Order 13563 on January 18, 2011 for the purpose of improving the development of new regulations and creating a process to review the efficacy and burdens of existing regulations. Executive Order 13563 calls on federal agencies to design and implement processes to review their existing regulations to identify those that "may be outmoded, ineffective, insufficient, or excessively burdensome." Once problematic regulations are identified, agencies are "to modify, streamline, expand, or repeal them in accordance with what has been learned." In response, EPA announced the current initiative – *Improving our Regulations Through Periodic Retrospective Review* – and solicited public comments on how best to implement the retrospective review. The NTSP views both Executive Order 13563 and the Retrospective Review as valuable tools in creating and maintaining effective and efficient federal regulatory programs, and hopes that this represents a long-term commitment by the agency to ensure that its regulations are appropriate, effective, and up-to-date.

Apart from expressing our general support for the Retrospective Review initiative, we would like to take the opportunity specifically to urge EPA to update its existing hazardous waste manifesting system by finalizing a proposed rule that has been pending since 2001, the Hazardous Waste Management System; Modification of the Waste Manifest System, Docket Number EPA-HQ-RCRA-2001-0032 ("Electronic Manifesting Rule"). This proposed rule sought to modify the hazardous waste manifest system required

by the Resource Conservation and Recovery Act (“RCRA”) by, among other things, creating an electronic manifesting system for shipments of hazardous waste. 66 Fed. Reg. 28240 (May 22, 2001). EPA estimated that an electronic manifesting system would result in significant benefits to the regulated community including: decreased paperwork burdens of between 488,000–938,000 hours annually and associated cost savings of between \$14.4 – 26.6 million annually for waste handlers; the exchange of higher quality manifest data; and more timely and efficient access to data. 66 Fed Reg. at 28,267-28,268. The proposed Electronic Manifesting Rule received strong support from a broad range of stakeholders. Companies and industry associations that submitted favorable comments included, but was not limited to: The American Association of Railroads; The American Petroleum Institute; DuPont Engineering; ALCOA, Inc.; The National Automobile Dealers Association; The Utility Solid Waste Activities Group; The National Paint and Coatings Association; The Cement Kiln Recycling Coalition; and many others.

The NTSP is cognizant of the regulatory history of the Electronic Manifesting Rule, and the specific concerns that it prompted from state regulators and the regulated community. In particular, some stakeholders, while expressing general support for the rule, were concerned with the existence of a dual paper and electronic manifesting system, and with the protection of confidential business information contained in manifests. Thus, following the publication of the original proposal, EPA issued two subsequent Notices of Data Availability – April 18, 2006 and February 26, 2008 – and held various public meetings and webinars with stakeholders to collect additional input and data. EPA also issued Challenge Program Grants to four states – Michigan, Massachusetts, Minnesota and New Jersey – to develop electronic manifest tracking pilot programs. These pilot programs served to demonstrate the feasibility of such an electronic manifesting system, and gave regulators and the regulated community the opportunity to identify any aspects that needed improvement. EPA clearly chose to take a careful and measured approach in developing the electronic manifesting system.

Replacing (or at least supplementing) the existing paper-based system with an electronic manifesting system would eliminate several inefficiencies and burdens. As EPA noted in the initial 2001 proposed rule, an electronic manifesting system would save regulated entities hundreds of thousands of hours and millions of dollars in the aggregate. State regulators would experience a savings in their manifest processing costs and man-hours. Switching to an electronic system would also create a uniform set of manifesting requirements for the regulated community. Electronic manifesting also provides the opportunity for RCRA biennial reporting to be integrated with the manifesting system, saving generators from duplicating work.

An electronic system would have enhanced benefits for users and increase the environmental protection, such as the ability to electronically track waste shipments and to provide real time intervention should anything occur during the disposition. With the current paper manifesting system, generators often experience significant delays for confirmation that their shipments were received by the destination facility. An electronic manifesting system, in contrast, would allow generators to track their shipments in “real-time” and provide prompt notice of problems and discrepancies with waste shipments. The increased access to shipment information would also allow generators easily to correct shipping and manifesting errors. These same improvements would provide regulators with increased enforcement and compliance assurance capabilities with respect to waste shipments. By EPA’s count, this rule would benefit more than 200,000 entities involved in shipping hazardous wastes. Thus, the benefits of this rule would be felt by many.

Further, in the spirit of the agency's retrospective review process, the Electronic Manifesting Rule would replace a paper manifest system that is outdated and less efficient than an electronic system. Many other EPA programs have great success allowing regulated entities to make electronic submissions including Notice of Intent and Notice of Termination submittals for the Clean Water Act stormwater program; Tier II Emergency and Hazardous Chemical Inventory Forms; numerous filings under the Toxic Substances Control Act, including Premanufacture Notices; and certain registrations and other submittals under the Federal Insecticide Fungicide and Rodenticide Act, to name a few. Creation of an electronic manifesting system under RCRA makes sense and is long overdue.

For these reasons, the NTSP asks that EPA take the necessary steps to finalize and implement the Electronic Manifesting Rule. We appreciate that some obstacles to implementation exist, but they can be overcome. Specifically, to the extent that EPA believes that funding legislation is necessary before it can contract for the necessary actions that would lead to the development of a national e-manifest system, then we encourage the Agency to work with Congress to enact such legislation. This issue has widespread support from states and regulated industries alike, and thus it is likely that it would garner bipartisan Congressional support. Additionally, we encourage the Agency simultaneously to reconsider other approaches that would not be dependent upon new federal funding. As the Agency itself has indicated, the costs savings from an e-manifest system would, over time, exceed the costs of administering such a system, and thus the Agency should be able to implement the program using its existing funding. If the President's Executive Order means anything, it should be able to clear the way for EPA to implement a system that by all accounts is cheaper, easier, and more efficient than the existing manifesting system.

On behalf of the NTSP member companies, thank you again for undertaking this important regulatory review initiative. We appreciate the opportunity to participate. Should you have any questions about the information included in these comments please contact Barbara Patton at 205-663-8951 or if the NTSP may be of further assistance in this matter, please contact me.

*Sincerely,*

*Grif Bond*

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